

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE,

Plaintiff,

-against-

LEON BLACK,

Defendant.

23-CV-6418 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

By letter dated January 24, 2025, pursuant to this Court’s amended order (ECF No. 205), Defendant submitted to Judge Failla a request to use a December 18, 2024 sealed decision by Judge Rakoff (the “Sealed Decision”) in another litigation pending in state court. By sealed order dated January 28, 2025, Judge Failla referred the matter back to this Court for disposition. ECF No. 211. Plaintiff filed a response, under seal, to Defendant’s request on January 29, 2025. ECF No. 212.

The Court has reviewed the parties’ submissions and denies Defendant’s application at this time. Defendant has not shown good cause to use the Sealed Decision in the pending state court action. Most critically, he has not demonstrated that the Sealed Decision is relevant to the issues pending before the First Department. Furthermore, given that Defendant seeks to submit the Sealed Decision prior to oral argument before the First Department, there exists a substantial likelihood the contents of the Sealed Decision will be inappropriately referenced during oral argument. Therefore, Defendant’s request is denied. However, as previously ordered, the parties must brief the issue of the continued sealing of certain documents, and Defendant is free to request to unseal the Sealed Decision (and other sealed materials) in this briefing.

In addition, Defendant is directed to file a copy of his January 24, 2025 letter request to


Judge Failla under seal on the docket. The parties' outstanding sealing motions (ECF Nos. 185, 207, and 213) are likewise granted, and their related documents shall remain under seal until further order from this Court.

Lastly, with respect to Plaintiff's letter at ECF No. 206, counsel for Defendant are reminded that they are not to reference or characterize documents under seal. The Court's prior orders with respect to sealed matters should be strictly construed, and counsel must err on the side of caution in discussing these materials.

The Clerk of Court is respectfully directed to terminate ECF Nos. 185, 207, and 213, and to leave the corresponding documents (ECF Nos. 186, 208, and 214) under seal.

Dated: February 6, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

JESSICA G. L. CLARKE
United States District Judge